



08-15-05

IFW

Express Mail No. EV475141453US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Larson et al.

Confirmation No.: 7146

Serial No.: 10/645,136

Art Unit: 3732

Filed: August 20, 2003

Examiner: To be assigned

For: GUIDED RETRACTOR AND  
METHODS OF USE

Attorney Docket No: 8932-973-999

**REQUEST FOR STATUS OF APPLICATION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

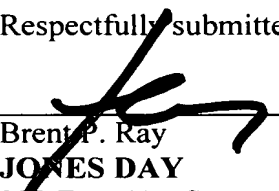
Sir:

The above-identified patent application was filed on August 20, 2003. To date, no office action on the merits has been issued. It has been almost two years since the application was filed. Moreover, a continuation-in-part of the above-identified patent application (Serial No. 10/734,546, filed December 12, 2003) already received an office action on the merits several months ago. Therefore, please advise the undersigned of the status of the application. In particular, please advise of the expected date for receipt of the first office action.

If there are any questions regarding this request or the application in general, please contact the undersigned attorney at the telephone number shown below.

Respectfully submitted,

Date: August 11, 2005

  
Brent P. Ray  
JONES DAY  
272 East 41st Street  
New York, New York 10017  
(212) 326-3939

54,390  
(Reg. No.)



Express Mail No. EV475141453US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application of: Larson et al. Confirmation No.: 7146  
Serial No.: 10/645,136 Art Unit: 3732  
Filed: August 20, 2003 Examiner: To be assigned  
For: GUIDED RETRACTOR AND Attorney Docket No.: 8932-973-999  
METHODS OF USE

**INFORMATION DISCLOSURE STATEMENT**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure provisions of 37 C.F.R. §1.56, there is hereby provided certain information which the Examiner may consider material to the examination of the subject U.S. patent application. It is requested that the Examiner make this information of record if it is deemed material to the examination of the application.

1. Enclosures accompanying this Information Disclosure Statement are:

- 1a. ☒ A list of all patents, publications, applications, or other information submitted for consideration by the office.
- 1b. A legible copy of :
- ☐ Each publication or that portion which caused it to be listed on the PTO-1449;
- ☐ For each cited pending U.S. application filed before June 30, 2003, the application specification including the claims, and any drawing of the application, or portion of the application which caused it to be listed on the PTO-1449 including any claims directed to that portion;
- ☐ all other information or portion which caused it to be listed on the PTO-1449.
- 1c. ☒ An English language copy of search report(s) from a counterpart foreign application or PCT International Search Report.
- 1d. ☐ Explanations of relevancy (ATTACHMENT 1(d), hereto) or English language abstracts of the non-English language publications.
- 1e. ☒ Pursuant to 37 C.F.R. § 1.98(a)(2)(ii), copies of the cited U.S. patents and U.S. patent application publications are not submitted herewith.

2. ☒ This Information Disclosure Statement is filed under 37 C.F.R. §1.97(b):
- ☐ Within three months of the filing date of a national application other than a continued prosecution application under §1.53(d);
- ☐ Within three months of the date of entry of the national stage as set forth in §1.491 in an international application;

- ☒ Before the mailing of the first Office action on the merits;
- ☐ Before the mailing of a first Office action after the filing of a request for continued examination under §1.114.

3. ☐ This Information Disclosure Statement is filed under 37 C.F.R. §1.97(c) after the period specified in 37 C.F.R. §1.97(b), but before the mailing date of any of a final action under 37 C.F.R. §1.113, a notice of allowance under 37 C.F.R. §1.311 or an action that otherwise closes prosecution in the application.

*(Check either Item 3a or 3b)*

- 3a. ☐ The Certification Statement in Item 5 below is applicable. Accordingly, no fee is required.
- 3b. ☐ The \$180.00 fee set forth in 37 C.F.R. §1.17(p) in accordance with 37 C.F.R. §1.97(c) is:
- ☐ enclosed
- ☐ to be charged to Jones Day Deposit Account No. 50-3013.

*(Item 3b to be checked if any reference known for more than 3 months)*

4. ☐ This Information Disclosure Statement is filed under 37 C.F.R. §1.97(d) after the period specified in 37 C.F.R. §1.97(c), but on or before the date of payment of the issue fee.

The Certification Statement in Item 5 below is applicable.

The \$180.00 fee set forth in 37 C.F.R. §1.17(p) is:

- ☐ enclosed.
- ☐ to be charged to Jones Day Deposit Account No. 50-3013

5. ☐ Certification Statement (applicable if Item 3a or Item 4 is checked)

*(Check either Item 5a or 5b)*

- 5a. ☐ In accordance with 37 C.F.R. §1.97(e)(1), it is certified that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.
- 5b. ☐ Each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart application, and the communication was not **received** by any individual designated in 37 C.F.R. §1.56(c) more than thirty days prior to the filing of this information disclosure statement.
- 5c. ☐ Pursuant to 37 C.F.R. §1.704(d), each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart application, and the communication was not **received** by any individual designated in 37 C.F.R. §1.56(c) more than thirty days prior to the filing of this information disclosure statement.

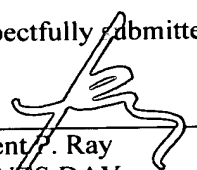
6. ☐ This application is a continuation application under 37 C.F.R. §1.53(b) or (d).

*(Check appropriate Items 6a, 6b and/or 6c)*

- 6a. ☐ A Petition to Withdraw from issue under 37 C.F.R. §1.313(b)(5) is concurrently filed herewith.
- 6b. ☐ Copies of publications listed on Form PTO-1449 from prior application Serial No. \_\_\_\_\_, filed on \_\_\_\_\_, of which this application claims priority under 35 U.S.C. §120, are not being submitted pursuant to 37 C.F.R. §1.98(d).
- 6c. ☐ Copies of the publications listed on Form PTO-1449 were not previously cited in prior application Serial No. \_\_\_\_\_, filed on \_\_\_\_\_, and are provided herewith.
7. ☒ This is a Supplemental Information Disclosure Statement. (Check Item 7a)
- 7a. ☒ This Supplemental Information Disclosure Statement under 37 C.F.R. §1.97(f) supplements the Information Disclosure Statement filed on November 14, 2003. A bona fide attempt was made to comply with 37 C.F.R. §1.98, but inadvertent omissions were made. These omissions have been corrected herein. Accordingly, additional time is requested so that this Supplemental Information Disclosure Statement can be considered as if properly filed on November 14, 2003.
8. ☐ In accordance with 37 C.F.R. §1.98, a concise explanation of what is presently understood to be the relevance of each non-English language publication is:
- ( Check Item 8a, 8b, or 8c )
- 8a. ☐ satisfied because all non-English language publications were cited on the enclosed English language copy of the PCT International Search Report or the search report from a counterpart foreign application indicating the degree of relevance found by the foreign office.
- 8b. ☐ set forth in the application.
- 8c. ☐ enclosed as an attachment hereto.
9. ☒ The Commissioner is authorized to charge any additional fee required or credit any overpayment for this Information Disclosure Statement and/or Petition to Jones Day Deposit Account No. 50-3013.
10. ☒ No admission is made that the information cited in this Statement is, or is considered to be, material to patentability and no representation is made that a search has been made (other than a search report of a foreign counterpart application or PCT International Search Report if submitted herewith). 37 C.F.R. §§1.97(g) and (h).

Respectfully submitted,

Date: August 11, 2005

  
Brent P. Ray  
JONES DAY  
222 East 41st Street  
New York, New York 10017  
(212) 326-3939

54,390  
(Reg. No.)



**LIST OF REFERENCES CITED BY APPLICANT**  
(Use several sheets if necessary)

ATTY. DOCKET NO.

8932-973-999

APPLICATION NO.

10/645,136

APPLICANT

Larson et al.

FILING DATE

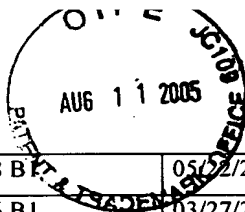
August 20, 2003

GROUP

3732

**U.S. PATENT DOCUMENTS**

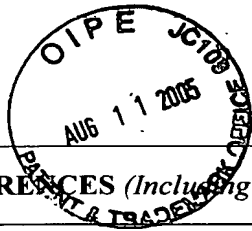
*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	A01	2005/0090899 A1	04/28/2005	DiPoto			
	A02	2005/0080418	04/14/2005	Simonson et al.			
	A03	2005/0070765 A1	03/31/2005	Abelgany et al.			
	A04	2005/0010293 A1	01/13/2005	Zucherman et al.			
	A05	2004/0236331 A1	11/25/2004	Michelson			
	A06	2004/0236317 A1	11/25/2004	Davison			
	A07	2004/0215199 A1	10/28/2004	Zinkel			
	A08	2004/0186346	09/23/2004	Smith et al.			
	A09	2004/0181231 A1	09/16/2004	Emstad et al.			
	A10	2004/0138534 A1	07/15/2004	Ritland			
	A11	2004/0059339 A1	03/25/2004	Rochm, III et al.			
	A12	2004/0059193 A1	03/25/2004	Famous			
	A13	2004/0002629 A1	01/01/2004	Branch et al.			
	A14	2003/0236447	12/25/2003	Ritland			
	A15	2003/0199871 A1	10/23/2003	Foley et al.			
	A16	2003/0191371 A1	10/09/2003	Smith et al.			
	A17	2003/0149341 A1	08/07/2003	Clifton			
	A18	2003/0139648 A1	07/24/2003	Foley et al.			
	A19	2003/0073998 A1	04/17/2003	Pagliuca et al.			
	A20	2002/0123668 A1	09/05/2002	Ritland			
	A21	2002/0111538 A1	08/15/2002	Wright et al.			
	A22	6,849,064	02/01/2005	Hamada			
	A23	6,811,558 B2	11/02/2004	Davison et al.			
	A24	6,800,084 B2	10/05/2004	Davison et al.			
	A25	6,746,396 B1	06/08/2004	Segermark et al.			
	A26	6,676,665 B2,	01/13/2004	Foley et al.			
	A27	6,616,605 B2	09/09/2003	Wright et al.			
	A28	6,596,008 B12	07/22/2003	Kambin			
	A29	6,537,323 B2	03/25/2003	Weinstein et al.			
	A30	6,530,926 B1	03/11/2003	Davison			
	A31	6,520,907 B1	02/18/2003	Foley et al.			
	A32	6,488,620 B1	12/03/2002	Segermark et al.			
	A33	6,468,207 B1	10/22/2002	Fowler, Jr.			
	A34	6,416,518 B1	07/09/2002	DeMayo			
	A35	6,394,950 B1	05/28/2002	Weiss			
	A36	6,354,995	03/12/2002	Hoftman et al.			



	A37	6,235,028 B1	05/22/2001	Brumfield et al.			
	A38	6,206,826 B1	03/27/2001	Mathews et al.			
	A39	6,187,000 B1	02/13/2001	Davison et al.			
	A40	6,162,172	12/19/2000	Cosgrove et al.			
	A41	6,090,113	07/18/2000	Le Couedic et al.			
	A42	6,083,154	07/04/2000	Liu et al.			
	A43	6,063,088	05/16/2000	Winslow			
	A44	6,030,340	02/29/2000	Maffei et al.			
	A45	6,007,487	12/28/1999	Foley et al.			
	A46	5,954,635	09/21/1999	Foley et al.			
	A47	5,951,466	09/14/1999	Seegermark et al.			
	A48	5,944,658	08/31/1999	Koros et al.			
	A49	5,928,139 A	07/27/1999	Koros et al.			
	A50	5,795,291	08/18/1998	Koros et al.			
	A51	5,730,757	03/24/1998	Benetti et al.			
	A52	5,728,046	03/17/1998	Mayer et al.			
	A53	5,707,390 A	01/13/1998	Bonutti			
	A54	5,503,617	04/02/1996	Jako			
	A55	5,303,694	04/19/1994	Mikhail			
	A56	5,125,396	06/30/1992	Ray			
	A57	5,052,373	10/01/1991	Michelson			
	A58	5,027,793	07/02/1991	Engelhardt et al.			
	A59	4,984,564	01/15/1991	Yuen			
	A60	4,950,270 A	08/21/1990	Bowman et al.			
	A61	4,913,134	04/03/1990	Luque			
	A62	4,817,587	04/04/1989	Janese			
	A63	4,765,311	08/23/1988	Kulik et al.			
	A64	3,807,393	04/30/1974	McDonald			
	A65	3,749,088	07/31/1973	Kohlmann			
	A66	3,227,156	01/04/1966	Gauthier			
	A67	2,670,731	03/02/1954	Zoll et al.			
	A68						

### FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
	B01	DE 40 28 651 A1	03/12/1992	Germany			ABS	
	B02	FR 2 692 468	12/24/1993	France			ABS	
	B03	WO 98/12960	04/02/1998	PCT				
	B04	WO 96/02195	02/01/1996	PCT				
	B05	EP 1 192 905 A1	04/03/2002	Europe			ABS	
	B06	EP 0 792 620 A2	03/09/1997	Europe				
	B07	EP 0 455 282 B1	11/06/1991	Europe				
	B08							
	B09							



**OTHER REFERENCES** (Including Author, Title, Date, Pertinent Pages, Etc.)

	C01	
	C02	
	C03	

**EXAMINER**

**DATE CONSIDERED**

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.